

MOSER LAW FIRM, PC



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November 27, 2024

**VIA ECF**

Hon. Natasha C. Merle, USDJ  
United States District Court, Eastern District of New York  
225 Cadman Plaza East Courtroom 2F North  
Brooklyn, NY 11210

Re: *Hernandez, et ano v Rosso Uptown Ltd, et al*, Case No. 20-cv-04026-NCM-SIL

Dear Judge Merle:

I represent the Plaintiffs in the above referenced action. I write in brief response to the pro-se Defendants' letter to the Court dated November 26, 2024.

Plaintiffs offered to produce three witnesses voluntarily, subject only to 1 or 2 weeks notice. On November 26, 2024 we emailed pro-se defendants with proposed dates in January 2025 for these depositions. When we did not receive a response to the email, we furnished a proposed letter to the Defendants to be submitted to the Court, a copy of which is attached as Exhibit 1. Instead of responding to the emails or calling the undersigned, the pro-se defendants prepared and personally delivered a letter to the Courthouse.

On the morning of November 27, 2024 pro-se defendants advised me for the first time that they had filed a letter on November 26, 2024. I reached out to Defendants and a conference call was scheduled for 11:00 AM this morning. The relevant email chain is annexed hereto as Exhibit 2. However, I later received an email from Massimo Gammella accusing me of filing a letter with the Court without his authorization, and refusing to speak via telephone. This email is annexed hereto as Exhibit 3. I have emailed Mr. Gammella asking him to call me on my cell phone and have called him twice. He has not responded to the email, has not answered his cell phone, and has not returned my calls.

It seems as though the Defendants wish to use this opportunity to preclude the Plaintiffs from deposing the witnesses Defendants identified after the close of discovery. I respectfully request that the time to furnish the proposed witness deposition schedule be extended to Wednesday, December 4, 2024.

Respectfully submitted,

*Steven J. Moser*

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CC: *Pro-Se* Defendants (Via Email)